**Brief Description of Attached Document**


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Hendricks, F. W.
Top Secret Control Officer

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10/3/52

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26/93
August 27, 1951

My dear Mr. Secretary:

I have received Mr. Lovett's letter of August 14, 1951, enclosing a memorandum by the Joint Chiefs of Staff regarding the policy on repatriation of Chinese and North Korean prisoners of war.

It is suggested that if and when the present armistice discussions reach the question of exchange of prisoners of war, the over-riding consideration should be the prompt return of all United Nations and Republic of Korea prisoners of war held by the Communists. With this consideration in mind, the Department of State is most seriously concerned over the possibility that the proposed policy might jeopardize the prompt return of all United Nations and Republic of Korea prisoners of war following the conclusion of an armistice agreement. While the proposed policy is conditional upon "adequate safeguards for United Nations prisoners in Communist hands", it is not clear how such safeguards could effectively be established.

While the possible psychological warfare advantages of the proposed policy are recognized, it is difficult to see how such a policy could be carried out without conflict with the provisions of the 1949 Geneva Prisoner of War Convention which the United States as the Unified Command has expressed its intention of observing in the Korean conflict. The Geneva Convention of 1949 requires, among other things, the prompt return of all prisoners of war upon the cessation of active hostilities. Although neither the North Koreans nor the Chinese Communists have observed the terms of that Convention, it appears to the Department of State that our best hope for alleviating the plight of United Nations and Republic of Korea personnel held as prisoners of war by the Communists is to obtain their return in our continuing strictly to observe the terms of that Convention. In a broader sense, United States interests in this and future conflicts dictate, in my opinion, strict observance of the provisions of the Geneva Convention.

In

The Honorable
George C. Marshall,
Secretary of Defense,
In order to achieve in so far as possible the desired psychological warfare and humane objectives, the Department of State suggests that, prior to the reaching of an armistice agreement, individuals who have rendered outstanding assistance to the United Nations command or whose return to the Communists would, in all probability, result in their deaths, might be paroled as provided for in the Geneva Convention. Moreover, under no circumstances should Republic of Korea personnel who were forcibly impressed into the North Korean army be returned to the Communists. This problem might be handled by taking steps prior to the conclusion of any armistice agreement to release such persons in consultation with the Government of the Republic of Korea. The foregoing suggestions are considered to be consistent with the principles of the 1949 Geneva Convention and thus do not afford a valid pretext for Communist failure to return United Nations and Republic of Korea prisoners of war.

The Department of State recognizes that this procedure presents certain complications, particularly as regards timing of release, safeguards, etc.

In view of the foregoing, and dependent upon the number of United Nations and Republic of Korea prisoners of war actually held by the Communists, it may be necessary to reexamine the present instructions to General Ridway providing for an exchange on a man-for-man basis.

In addition to exchange of military personnel, the Department of State suggests that General Ridway be instructed to make whatever arrangements he considers feasible, without becoming involved in the question of Korean civilian prisoners held by both the Republic and the North Korean regime, for the release of civilian internees such as the staffs of the British and French diplomatic missions in Seoul, the Apostolic Delegate, press correspondents, and other Americans and nationals of United Nations members, principally missionaries captured at the time of the invasion.

I would be very pleased to have representatives of the Department of State discuss the foregoing questions in greater detail with the Department of Defense in an effort to work out a practicable solution.

Sincerely yours,

/\/ MCNAIRY

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8/23/61
Copy No. 2, Letter to Secy Defense
From Acheson, Jul 27 Aug 51

Gen Paul G. Davis, FSB